

LABOUR DEPARTMENT

The 30th April, 1970

No. 3932-1Lab-70/13712.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute, between the workmen and the management of M/s Laxmi Rattan Engineering Works, Ltd., Faridabad.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Application No. 2 of 1970 under section 33-A of the Industrial Disputes Act, 1947

between

SHRI LAXMAN DASS, WORKMAN AND THE MANAGEMENT OF M/S LAXMI RATTAN
ENGINEERING WORKS, LTD., FARIDABAD

Present :—

Shri Onkar Parshad, for the workman.

Shri A.P. Jain, for the management.

AWARD

An industrial dispute between the workman and the management of M/s Laxmi Rattan Engineering Works, Ltd., Faridabad, is pending in this Tribunal which is registered as reference No. 56 of 1967. During the pendency of reference the management terminated the services of one of their workmen Shri Laxman Dass without complying with the provisions of section 33 of the Industrial Disputes Act. Accordingly Shri Laxman Dass has filed the present complaint under section 33A of the Industrial Disputes Act, 1947.

Notice of the complaint was given to the management who have raised a number of objections. It is however not necessary to decide this case on merits because the workman has been taken back on service. The application is therefore dismissed as satisfied.

Dated 22nd April, 1970.

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 636, dated 24th April, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 22nd April, 1970

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 2nd May, 1970

No. 3980-1Lab-70/14088.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Plassar and Theurer, Railway Machinery, Manufacturers, Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL HARYANA,
FARIDABAD

Reference No. 19 of 1970

between

THE WORKMEN AND THE MANAGEMENT OF M/S PLASSAR AND THEURER, RAILWAY
MACHINERY, MANUFACTURERS, FARIDABAD

Present:—

Shri H. R. Dua, for the workmen.

Shri Muruger Raj, for the management,

AWARD

The workmen of M/s Plassar & Theurer, Railway Machinery, Manufacturers, Faridabad, served a charter of demands on the management containing various demands. The management did not accept any of demands made by the workmen and this gave rise to an industrial dispute. The Governor of Haryana in exercise of the powers conferred on him by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred to this Tribunal the following two demands for adjudication out of various demands made by the workmen.

1. Whether a cycle-stand for the workmen should be installed. If not to what relief the workmen are entitled ?
2. Whether grades and scales of the workmen should be fixed. If so with what details and from which date ?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workmen and the management filed their written statement. It is, however, not necessary to decide the case on merits. The parties have arrived at a mutual settlement which bears the signatures of as many as 75 workmen.

As regards item No. 2 of the order of reference the management have agreed to fix the following scales of pay with effect from 1st January, 1970.

S. No.	Designation	Grade
1	Labour and Helper	Rs. 100—5—125—EB—7—153
2	Hammer Man	Rs. 130—7—165—EB—10—205
3	Assistant Fitter	Rs. 130—7—165—EB—10—205
4	Fitter Grade 'B'	Rs. 175—10—225—EB—13—277
5	Fitter Grade 'A'	Rs. 230—12—290—EB—15—350
6	Highly skilled Fitter	Rs. 300—15—375—EB—20—455
7	Assistant Machinist	Rs. 130—7—165—EB—10—205
8	Machinist Grade B	Rs. 175—10—225—EB—13—277
	Turner Grade B	Rs. 175—10—225—EB—13—277
9	Machinist Grade A	Rs. 230—12—290—EB—15—350
	Turner Grade A	Rs. 230—12—290—EB—15—350
10	Highly skilled Mech. Turner	Rs. 300—15—375—EB—20—455
11	Miller grade B	Rs. 210—10—260—EB—13—312
12	Miller grade A	Rs. 275—15—350—EB—20—430
13	Highly skilled Miller	Rs. 375—20—475—EB—25—575
14	Welder grade B	Rs. 210—10—260—EB—13—312
15	Welder Grade A	Rs. 270—15—345—EB—20—425
16	Electrician Grade B	Rs. 175—10—225—EB—13—277
17	Electrician Grade A	Rs. 230—12—290—EB—15—350
18	Painter Grade B	Rs. 175—10—225—EB—13—277
19	Painter Grade A	Rs. 230—12—290—EB—15—350
20	Store Keeper	Rs. 225—15—300—EB—20—380

S. No.	Designation	Grade
21	Assistant Store Keeper	Rs. 120—10—200—EB—13—252
22	Store boy	Rs. 110—135—EB—7—187
23	Peon	Rs. 105—5—130—EB—7—182
24	Driver	Rs. 220—10—270—EB—13—322
25	Draughtsman Jr.	Rs. 240—10—250—EB—13—302
26	Draughtsman Sr.	Rs. 260—15—335—EB—20—415
27	Time Keeper	Rs. 260—15—335—EB—20—415
28	Chowkidar	Rs. 115—7—150—EB—10—190
29	Sweeper	Rs. 100—5—125—EB—7—153.

The management has agreed to pay with effect from 1st March, 1970 a consolidated allowance, covering all aspects, of 25% of the basic wages being drawn by a worker at present. In addition, the management will continue to pay interim allowance and tea allowance as at present."

As regards the demand for cycle-stand which is the subject matter of item No. 1 of the order of reference, the workmen have not pressed for it, and this demand is therefore not accepted.

The terms of settlement appears to be quite fair and I give my award in accordance with the terms of settlement.

Dated:—24th April, 1970.

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 669, The 27th April, 1970

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

Dated:—24th April, 1970

(P. N. THUKRAL)
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 8th May, 1970

No. 3720-4Lab-70/13598.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following arbitration award of Shri D. A. Karan, Chief Conciliation Officer, Haryana (Arbitrator) in respect of the dispute between the workmen and management of M/s Oriental Science Apparatus Workshop, Ambala Cantt.

BEFORE SHRI D. A. KARAN, ARBITRATION PROMOTION OFFICER, HARYANA

In case of the M/s Oriental Science Apparatus workshop, Ambala Cantt.

versus

Shri Daya Singh, workman.

By notification No. 10406-4Lab-60/30420, dated 29th December, 1969, I, D. A. Karan, Arbitration Promotion Officer was appointed as Sole Arbitrator in respect of demand notice dated 16th October 1969.

In demand notice, 16th October, 1969, the worker has demanded his reinstatement with fully back wages and also other unpaid wages.

The parties were heard on 6th March, 1970, 17th March, 1970 and 27th March, 1970.

The workman's case was that he was employed in M/s Oriental Science Apparatus Workshop, Ambala Cantt. on 26th May, 1969 as Chowkidar. He proceeded on two days authorised leave on 17th June, 1969 to 19th June, 1969 forenoon. On returning from leave at about 12.30 P.M. on 19th June, 1969.

when he went to the factory to report for duty, he was refused employment and was paid his dues amounting to Rs 46.50. He alleged that the contents of the service slip (service certificate) issued to him were wrong and in correct. He pleaded that it was wrong to say that he had left the service of his own accord. He contended that he was removed from service by the management. He said that he did not want to lead any evidence but he would submit his written statement giving full facts. The worker filed his written statement on 27th March, 1970 Ex-W.I. He pointed out that he was paid wages only for 16 days for the month of June, 1969, whereas he was entitled to get wages for 19 days. He also pleaded that the action of the management to turn him out of employment was unjustified and as such he should be reinstated with full back wages.

The representative of the management stated that Shri Daya Singh was employed as Chowkidar on probation for a period of six months on 26th May, 1969 (copy of the employment letter enclosed) as Ex. M.W.I. He submitted that he was clearly mentioned in the appointment letter that during this period of probation, his services could be terminated at any time without any notice or without assigning any reason and it bore the signatures of worker. He further told that on the expiry of two days leave from 17th June, 1969 to 19th June, 1969, the worker came to resume duty at about 12.30 P.M. on 19th June, 1969. He requested that his dues should be paid to him as he did not want to work any more in the factory. Accordingly, his dues of Rs 46.50 were paid to him on 20th June, 1969. This receipt was written by the worker in his own hand in Urdu. He also referred to the relevant clause of the Certified Standing Orders of the factory relating to "probationer", according to which the services of a probationer could be terminated without any notice. He argued that even if it is admitted what has been stated by the workman, as correct, even then the workman had no claim for reinstatement in the factory because according to the terms of his employment, his services could be terminated during the probation period without giving any notice or assigning any reason. The management's representative, however, stated that he was prepared to clear off the balance of dues of the worker, if any. He also showed attendance register to the worker for satisfying him in the presence of the Court.

After going through the arguments of both the parties and the documents produced by them, it became apparent that Shri Daya Singh was employed for a specific period of 6 months, *vide* appointment letter dated 26th May, 1969, during which his services could be terminated without any notice or without assigning any reason. It was admitted by the worker that the appointment letter bore his signatures in Urdu. The worker did not lead any evidence to prove that he was removed from service by the management and that he had not left the service of his own accord. The solitary statement of the worker cannot be regarded as sufficient proof that he was wrongfully removed from service. On the other hand, there are reasons to believe the version of the management that the worker had requested the management to pay him his dues as he did not want to work in the factory and also because the workman had written the receipt of Rs 46.50 with his own hand in Urdu. Had he been removed without his consent he would not have written this receipt in his own hand. Moreover, when the worker approached the management for issuing service slip he was given the same on 23rd June, 1969. It was observed that the worker had got perturbed over the words written in service slip (service certificate) which are reproduced as under :—

"This is to certify that Shri Daya Singh, son of Shri Nagina Singh has worked here at Chowkidar from 26th May, 1969 to 19th June, 1969. He left the job of his own accord".

This certificate had created difficulty for getting his name registered with the Employment Exchange, Ambala Cantt. when he had approached that office for the purpose. Thus he turned against the management and raised the instant dispute.

In the light of above facts I hold that Shri Daya Singh has no claim for reinstatement as his services came to an end in terms of his appointment letter, dated 26th May, 1969.

As regards, the question of unpaid dues of the worker it is established by going through the attendance register that the worker is entitled to get the wages upto 19th June, 1969. Besides he is also entitled to get Rs 3 deducted as security (Rs 1.50 each month) from his wages for the months of May and June, 1969. Accordingly, I award that he should be paid wages for 3 days @ Rs 90 per month, i.e., for 17th to 19th June, 1969 amounting to Rs 9 and Rs 3 deducted as security from his wages, the total being Rs 12 in all.

The award is hereby submitted to Government under Section 10-A (iv) of the Industrial Disputes Act, 1947.

D. A. KARAN,
Arbitration Promotion Officer,
(Sole Arbitrator)
Haryana.

The 13th May, 1970

No- 2417-ASO-Lab-70/13707.—In exercise of the powers conferred by section 87 of the Employees State Insurance Act, 1938 (34 of 1948), the Governor of Haryana hereby exempts the factories engaged in wool pressing either with or without cotton pressing and ginning, for a period of one year with effect

from the 1st January, 1970, upto and inclusive of the 31st December, 1970 from the operation of the said Act except the provisions, of Chapter V-A thereof subject to the following conditions, namely:—

1. that the factory shall maintain a register showing the name and designation of the exempted employees; and
2. that, notwithstanding this exemption, the exempted employees shall continue to receive such benefit under the said Act to which they might have become entitled on the basis of contributions paid prior to the date from which exemption granted by this notification operates.

The 14th May, 1970

No. 3608-4Lab-70/14139.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following arbitration award of Shri M. K. Jain, Deputy Labour Commissioner, Haryana and Sole Arbitrator in respect of the dispute between the workman and management of M/s Trade Link Traders, Bahadurgarh.

BEFORE SHRI M. K. JAIN, H. L. S., DEPUTY LABOUR COMMISSIONER, HARYANA
AND ARBITRATOR

between

SHRI BHAGWAN DIN, WORKMAN AND THE MANAGEMENT OF M/S TRADE
LINK TRADERS, BAHADURGARH

Present :—

- | | |
|--|-------------------------------|
| 1. Shri Kailash Nanda, Partner | } On behalf of the management |
| 2. Sarvshri Chander Singh, General Secretary
and Shri Rajinder Singh, President,
Bahadurgarh, Potteries and General
Labour Union, Bahadurgarh | |
| | } On behalf of the workman |

AWARD

Vide Haryana Government Notification No. 803-4Lab-75/1899, dated 11th February, 1970, I was appointed as a sole arbitrator by the parties to arbitrate as to whether Shri Bhagwan Din was removed from service on 11th October, 1969, unjustifiably and whether he should be reinstated with full back wages.

2. The case was heard on 7th March, 1970, at Bahadurgarh, when the representatives of the parties were present.

3. The representative of the management stated that Shri Bhagwan Din was charge-sheeted on 18 September, 1969 (Ex. MW-I) for disobeying his orders and using abusive language to him and was also placed under suspension pending enquiry. The worker submitted his explanation,—*vide* his letter without (Ex. MW-II) denying the charges levelled against him. As his explanation was not considered satisfactory a domestic enquiry was held on 10th October, 1969 (Ex. MW-III). The worker participated in the enquiry proceedings and was given full opportunity to offer his defence and also to cross-examine the managements' witnesses. The enquiry officer submitted his report (Ex. MW-III) in which he held that the charges levelled against the worker were proved. On the basis of his report, the worker was dismissed from service,—*vide* their letter, dated 11th October, 1969 (Ex. MW-V). As to prove the correctness of the charges and genuineness of the domestic enquiry, the representative of the management produced before me Sarvshri Jai Narain, Ram Newas, Dewan Chand and Mangal Singh who had knowledge of the alleged misconduct and they had heard Shri Bhagwan Din disobeying the order of Shri Kailash Nanda, Partner, and also using abusive language against him. They had told the worker that they would take him back in their employment if he tendered written apology for his misconduct but he did not do so. Since the charges made against the worker constituted serious misconduct and were amply proved his removal from service was justified and consequently he is not entitled to be re-instated.

The representative of the worker did not give any evidence in rebuttal to the above version of the representative of the management.

5. After giving due consideration to the version of the parties, statement of witnesses and also the documents produced before me, I have come to the conclusion that the worker was dismissed after observing the principles of natural justice. Moreover the charges of abusing the partner of the factory in the presence of some of the workers were of serious nature and any leniency shown to him would have resulted in indiscipline in the factory.

This award is hereby submitted to Government under section 10A(4) of the Industrial Disputes Act, 1947.

M. K. JAIN,
Deputy Labour Commissioner and
Arbitrator.

B. L. AHUJA, Secy.

EXCISE AND TAXATION DEPARTMENT

The 11th May, 1970

No. 3142-ET(I)-0/10543. The result of the departmental Examination of the Officers of the Excise and Taxation Department, Haryana, held in February, 1970, is announced as under :—

Serial No.	Name of the Officer and District in which posted	Paper-I (Law of Crimes)	Paper-II (Excise Law)	Paper-III (Allied Taxes)	Paper-IV (Property Tax Law)	Paper-V (Sales Tax Law)	Paper-VI (Book-Keeping)	Paper-VII (Landa Script)
1	2	3	4	5	6	7	8	9
ASSISTANT EXCISE AND TAXATION OFFICERS								
1.	Shri P. S. Bhatia, Gurgaon	Pass (with credit)	..	..	..	..	Fail	..
2.	Shri K. L. Bohla, Rohtak	..	Pass (with credit)	..	..	Fail	Pass	Pass
3.	Shri Charan Dass, Jind	Pass	Pass	..	..	..	Pass	..
4.	Shri Shingara Singh Dhillon, Ambala	..	Pass (with credit)	..	Pass (with credit)	..	..	..
5.	Shri Joginder Singh, Ambala	..	..	..	..	Fail	..	..
6.	Shri Pritam Singh, Mohindergarh	..	..	..	..	Fail	..	..
7.	Shri S. D. Narang, Rohtak	..	Pass (with credit)	..	..	Pass	Pass	Pass
TAXATION INSPECTORS								
8.	Shri V. P. Chadda, Hissar	..	..	..	..	Fail	..	..
9.	Shri B. S. Jaiji, Ambala	..	..	Fail	Pass	..	..	..
10.	Shri Lal Singh Yadav, Rohtak	..	..	..	..	..	Pass	..
11.	Shri Sadhu Singh, Rohtak	Pass (Higher Standard)	..	..	..	..	Fail	..
12.	Shri Jagdish Chander Vashisht, Karnal	..	..	Pass	Pass (with credit)	Fail	Pass (Higher Standard)	Pass (Higher Standard)
13.	Shri Brij Nath Singh, Rohtak	Fail	..	Fail	..	Fail	..	Pass
14.	Shri Hargobind, Rohtak	..	..	..	..	Fail	..	..
15.	Shri Vidya Singh, Rohtak	Pass (Higher Standard)	..	..	..	Fail	Fail	..
16.	Shri M. S. Mann, Ambala	..	..	..	Pass (with credit)	..	..	..
17.	Shri Sewa Ram Sethi, Ambala	..	..	..	Pass (Higher Standard)	..	Fail	..
18.	Shri Jagmohan Lal, Gurgaon	..	..	..	Pass (with credit)	..	..	Fail

DAMODAR DASS,
Commissioner, Revenue and Secy.